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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JOHN MEYER,

Plaintiff,

vs.

BIG SKY RESORT,

Defendant.

CV-18-2-BU-BMM

**BIG SKY RESORT’S BRIEF IN
SUPPORT OF MOTION FOR
LEAVE TO FILE RESPONSE, IF
NECESSARY, TO PLAINTIFF’S
MOTION FOR
RECONSIDERATION**

Defendant Big Sky Resort (“Big Sky”) moves the Court for leave to file a response, if necessary, to Plaintiff’s Motion for Reconsideration (Doc. 116). *See* L.R. 7.3(d).

Meyer’s Motion for Reconsideration effectively requests reconsideration of two interlocutory orders: (1) this Court’s Order denying Meyer leave to amend to assert an abuse of process counterclaim against Big Sky (“Order Denying Leave to Amend”) (Doc. 89); and (2) this Court’s Order dismissing Meyer’s abuse of

process counterclaim against Big Sky, which Meyer filed in defiance of the Court's Order Denying Leave to Amend, *see* Doc. 104. *See also* Fed. R. Civ. P. 54(b) ("any order ... that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment ...").

Pursuant to Local Rule 7.3(a), "[n]o one may file a motion for reconsideration of an interlocutory order without prior leave of court." Meyer's Motion for Reconsideration is filed in violation of L.R. 7.3(a). Meyer also fails to satisfy the requirements of L.R. 7.3(b). And Meyer repeats arguments (which are false and inadmissible) that this Court has repeatedly rejected, in violation of Local Rule 7.3(c).

Meyer's Motion for Reconsideration should be summarily denied, with prejudice, for failure to comply with Local Rules and because it is meritless. If the Court is inclined to entertain Meyer's Motion for Reconsideration, however, Big Sky requests leave to file a substantive response to it within 14 days of the Court's Order on this motion.

DATED this 3rd day of December 2019.

CROWLEY FLECK PLLP

By /s/ Ian McIntosh
Ian McIntosh
Attorneys for Big Sky Resort

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(d)(2)(E), I certify that this brief is printed with proportionately spaced Times New Roman text typeface of 14 points; is double-spaced; and the word count, calculated by Microsoft Office Word 2007, is 268 words long, excluding the Caption and the Certificates of Service and Compliance.

Dated this 3rd day of December 2019.

By /s/ Ian McIntosh
Ian McIntosh

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served upon the following counsel of record by the means designated below this 3rd day of December 2019.

<input type="checkbox"/> U.S. Mail	John Meyer
<input type="checkbox"/> Hand Delivery	P.O. Box 412
<input type="checkbox"/> Facsimile	Bozeman, MT 59771
<input type="checkbox"/> FedEx	john@cottonwoodlaw.org
<input checked="" type="checkbox"/> ECF	<i>Attorney for Plaintiff</i>

/s/ Ian McIntosh
Ian McIntosh